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*Attorneys for Defendants Vintage Wine Estates, Inc.,
Patrick Roney, Katherine DeVillers, and Kristina Johnston*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MARILYN EZZES, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VINTAGE WINE ESTATES, INC.,
PATRICK RONEY, KATHERINE
DEVILLERS, and KRISTINA JOHNSTON,
Defendants.

MICHAEL F. SALBENBLATT,
Plaintiff,

v.

VINTAGE WINE ESTATES, INC.,
PATRICK RONEY, KATHERINE
DEVILLERS, and KRISTINA JOHNSTON,
Defendants.

Case No.: 2:22-cv-01915-gmn-dja

**ORDER GRANTING
WOLLMUTH MAHER & DEUTSCH'S
MOTION TO WITHDRAW AS
COUNSEL OF RECORD FOR
DEFENDANTS**

Jointly consolidated with:

Case No. 2:22-cv-01976-jad-dja

Wollmuth Maher & Deutsch LLP (“Counsel”), one of the counsel for Defendants Vintage Wine Estates, Inc., Patrick Roney, Katherine DeVillers, and Kristina Johnston (collectively, “Defendants”) in the above-captioned jointly-consolidated cases, hereby files its Motion to Withdraw as Counsel of Record for the Defendants (the “Motion”) in accordance with United States District Court, District of Nevada LR IA 11-6, and is made and based upon these applicable rules, the points and authorities below.

WOLLMUTH MAHER & DEUTSCH LLP

/s/ Steven S. Fitzgerald

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MEMORANDUM OF POINTS AND AUTHORITIES

The current Motion is straightforward. Counsel seeks to withdraw from representation in the above-captioned and jointly administered proceedings because Defendants have since retained new counsel. On or about February 23, 2023, Defendants’ new counsel—Jones Day—appeared in the above-captioned matters on behalf of Defendants, replacing undesigned Counsel.

LR IA 11-6 of the Local Rules of Practice for the United States District Court for the District of Nevada governs withdrawal here. LR IA 11-6 states in relevant part:

(b) If an attorney seeks to withdraw after appearing in a case, the attorney must file a motion or stipulation and serve it on the affected client and opposing counsel. The affected client may, but is not required to, file a response to the attorney’s motion within 14 days of the filing of the motion, unless the court orders otherwise.

(e) Except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case. Where delay would result, the papers seeking leave of the court for the withdrawal or substitution must request specific relief from the scheduled discovery, trial, or hearing. If a trial setting has been made, an additional copy of the moving papers must be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge, or magistrate judge.

In other words, LR IA 11-6 only requires that notice of a motion to withdrawal (such as this one) is served on the client and opposing counsel if there is no risk to delay of discovery, trial, or any hearing in the case. If there is risk of delay, then good cause for the withdrawal must be shown.

Here, there is no risk of delay as Defendants have new counsel that will take over on this matter. Moreover, Defendants will not be left without representation if the current Motion is granted. As such, undersigned Counsel respectfully requests that an order granting the Motion be entered confirming that Counsel is no longer representing Defendants in the above-captioned matters.

DATED this 7th day of March, 2023.

WOLLMUTH MAHER & DEUTSCH LLP

/s/ Steven S. Fitzgerald

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IT IS SO ORDERED.

DATED: March 8, 2023



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

1. On March 7, 2023, I served the following document(s): **WOLLMUTH MAHER & DEUTSCH'S MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANTS**

2. I served the above document(s) by the following means to the persons as listed below:

- ☒ a. ECF System:
- ☐ b. United States mail, postage fully prepaid:
- ☐ c. Personal Service:

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handling the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. By direct email (as opposed to through the ECF System):
Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. By fax transmission:

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. By messenger:

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 7, 2023.

By: /s/ Steven S. Fitzgerald